

Judge Ronald B. Leighton

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

REAL PROPERTY COMMONLY  
KNOWN AS 28221 15TH AVENUE  
SOUTH, FEDERAL WAY,  
WASHINGTON, KING COUNTY  
PARCEL #025130-0320, together with its  
Buildings, Improvements, Appurtenances,  
Fixtures, Attachments, and Easements,  
et al.,

Defendants.

NO. C06-1600RBL

STIPULATION TO RETURN  
DEFENDANT VEHICLES TO  
CLAIMANT GMAC

The United States of America ("United States"), Plaintiff herein, by and through its attorney, Jeffrey C. Sullivan, United States Attorney for the Western District of Washington, and Leonie G.H. Grant, Assistant United States Attorney for said District, and Claimant GMAC, and its attorneys, Courtney A. Williams and Peterson Russell Kelly, PLLC, hereby stipulate and agree as follows:

1. The United States and Claimant GMAC agree to settle GMAC's claim upon the terms indicated below.

2. On January 30, 2007, GMAC filed a Claim of Ownership and Petition for Remission, Return or Mitigation (docket #12), regarding the 2000 Mercedes Benz S500, License Plate No. 023MZK, VIN: WDBNG75J3YA067031, and the 2002 Cadillac

1 Escalade Pickup, License Plate No. 784NQJ, VIN: 3GYEK63N92G277264 (hereinafter  
 2 collectively referred to as “the defendant vehicles”), which are named as defendant assets  
 3 in this civil forfeiture proceeding. The United States agrees to recognize the claim of  
 4 GMAC as having a valid security interest in the defendant vehicles, and further agrees to  
 5 release the defendant vehicles to GMAC, except as specified in the paragraphs below, in  
 6 lieu of obtaining a Judgment of Forfeiture.

7 3. On February 6, 2007, Claimant Carlos R. Daniels filed his Notice  
 8 of Claim of Carlos R. Daniels, docket #22, which included a claim of interest to  
 9 the subject 2000 Mercedes Benz S500, License Plate No. 023MZK,  
 10 VIN: WDBNG75J3YA067031, and the 2002 Cadillac Escalade Pickup, License Plate  
 11 No. 784NQJ, VIN: 3GYEK63N92G277264. On September 1, 2007, Claimant Carlos R.  
 12 Daniels filed his Notice of Withdrawal of Claim by Carlos R. Daniels, docket #47,  
 13 thereby withdrawing his claim of interest in, among other things, the defendant vehicles.  
 14 Accordingly, as a consequence of the withdrawal of the Daniels’ claim, GMAC is the  
 15 sole claimant in this civil forfeiture case claiming a secured interest in the defendant  
 16 vehicles.

17 4. The United States agrees that the defendant vehicles shall be released directly  
 18 to GMAC, the legal owner of the defendant vehicles, or its counsel, Courtney Williams.

19 5. Claimant GMAC expressly agrees to waive all rights to appeal this case.

20 6. Claimant GMAC agrees to accept the above-mentioned defendant vehicles in  
 21 an “as is” condition.

22 7. Claimant GMAC hereby releases and forever discharges the United States, the  
 23 Department of Justice, the United States Marshals Service, and their respective agents  
 24 and employees, from any and all actions, causes of action, suits, proceedings, debts, dues,  
 25 contracts, judgments, damages, claims, and/or demands whatsoever in law or equity,  
 26 which claimant GMAC, its heirs, successors, or assigns ever had, now have,

27 \\\

28 \\\

1 \

2 or may have in the future in connection with the seizure, storage and forfeiture against the  
3 defendant vehicles.

4 8. The parties agree to bear their own costs and attorney's fees, except as  
5 specifically set forth herein.

6 DATED this 16th day of September, 2007.

7 Respectfully submitted,

8 JEFFREY C. SULLIVAN  
9 United States Attorney

10 9/16/07

s/Leonie G.H. Grant

11             
12 Date

LEONIE G.H. GRANT  
Assistant United States Attorney  
United States Attorney's Office  
700 Stewart Street, Suite 5220  
Seattle, Washington 98101-1271  
Telephone: 206-553-2242  
Fax No.: 206-553-6934  
E-Mail: Lee.Grant@usdoj.gov  
Counsel for the United States

18 9/10/07

s/Courtney A. Williams

19             
20 Date

COURTNEY A. WILLIAMS  
Peterson Russell Kelly, PLLC.  
10900 NE 4th Street, Suite 1850,  
Bellevue, Washington, 98004-8341  
Telephone: 425-462-4700  
Fax No.: 425-451-0714  
E-Mail: cwilliams@prklaw.com  
Counsel for Claimant GMAC

24 9/16/07

s/Norris J. Ory

25             
26 Date

NORRIS J. ORY  
Authorized Agent of GMAC  
Claimant

**ORDER**

Having reviewed the foregoing Stipulation and good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. The Stipulation is hereby APPROVED;
2. Plaintiff and Claimant GMAC have agreed to the return of the 2000 Mercedes Benz S500, License Plate No. 023MZK, VIN: WDBNG75J3YA067031, and the 2002 Cadillac Escalade Pickup, License Plate No. 784NQJ, VIN: 3GYEK63N92G277264; and
3. The United States shall release the 2000 Mercedes Benz S500, License Plate No. 023MZK, VIN: WDBNG75J3YA067031, and the 2002 Cadillac Escalade Pickup, License Plate No. 784NQJ, VIN: 3GYEK63N92G277264, directly to GMAC, the legal owner of the defendant vehicles, or its counsel, Courtney Williams.

IT IS SO ORDERED this 18th day of September, 2007.

  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE

Presented by:

s/Leonie G.H. Grant  
LEONIE G.H. GRANT  
Assistant United States Attorney  
Counsel for the United States

s/Courtney A. Williams  
COURTNEY A. WILLIAMS  
Peterson Russell Kelly, PLLC.  
Counsel for Claimant GMAC